



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ENVIRONMENTAL REVIEW
AND ASSESSMENT

November 3, 2016

Mr. Jim Stobaugh, Project Manager
1340 Financial Boulevard
Reno, Nevada 89502

Dear Mr. Stobaugh:

The U.S. Environmental Protection Agency has reviewed the Bureau of Land Management's October 2016 Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project (EPA Region 10 Project Number: 08-035-BLM).

The EPA provided comments to the BLM on the Gateway West Transmission Line Project in 2008, 2011, 2013, 2014, June 2016, and August 2016. We appreciate the BLM's substantial engagement efforts on this project's planning and review process. Most recently, we appreciated the August 2016 opportunity to review administrative draft versions of the majority of the new material developed for this FSEIS. Below, we review the FSEIS's responsiveness to our June and August 2016 comments.

Impacts of the No Action Alternative

The FSEIS is responsive to our concern about EIS statements that the impacts of no action would be similar to those of the action alternatives. Rather than stating for No Action that, "...impacts similar to those described below may occur due to new transmission lines built to meet the increasing demand in place of this Project" (throughout the DSEIS), the FSEIS states that, under No Action, "...the area would have to turn to other proposals to meet the transmission demand." We appreciate this change because we believe it better emphasizes the importance of the BLM's current Right-of-Way decision on the Gateway West Transmission Line.

Compensatory Mitigation for National Conservation Area Impacts

FSEIS Appendix K, *Gateway West Transmission Line Project Compensatory Mitigation Framework for Morley Nelson Snake River Birds of Prey National Conservation Area*, is responsive to our concerns about the Proponent's Mitigation Enhancement Portfolio in the DSEIS.

Environmental Protection Measures

We appreciate the clarifying information in the FSEIS with regard to the application of Environmental Protection Measures (EPM) on different land ownerships. While most of the EPMs that the EPA highlighted in our DSEIS comments apply to all lands in segments 8 and 9, some do not. For the EPMs that do not apply to all lands, we agree with the statements in the

FSEIS that not applying certain EPMs on state or private lands could result in "...additional impacts to sensitive species..."¹

Therefore, we are concerned about potential additional impacts to sensitive species that could occur on state and private lands, especially since EPM TESWL-14 would not be applicable on state and private lands. TESWL-14 is important because it provides specific protection for aquatic and riparian/wetland species. TESWL-14 protects sensitive aquatic and riparian/wetland species by avoiding surface disturbance in 100-year floodplains, areas within 500 feet of perennial waters, springs, wells and wetlands. Where it is not possible to avoid wetland and riparian habitat, TESWL-14 requires crossing-specific plans that demonstrate minimization of vegetation removal, show sediment controls, demonstrate effort to intersect wetland or riparian habitat at its edge, and provide measures to restore habitat and ensure conservation of riparian microclimates. We encourage the BLM to continue to work with the proponent, as well as the U.S. Fish and Wildlife Service, to include TESWL-14, or a similarly protective EPM, for state and private lands.

Wetland and Riparian Areas

Because of concerns about remaining unavoidable impacts to waters of the U.S., our June 2016 DSEIS letter included a recommendation that the FSEIS include an update on compensatory mitigation planning. According to the FSEIS, details for mitigation beyond those described in the 2013 FEIS for segments 1-7 have not yet been determined for segments 8 and 9.

We offer the following comments for the BLM and the Corps' ongoing permitting efforts under Clean Water Act Section 404. First, the final compensatory mitigation plan must comply with the 2008 Compensatory Mitigation for Losses of Aquatic Resources; Final Rule.² Since there are currently no approved in-lieu fee programs within Idaho, we would support mitigation banking and/or appropriate permittee-responsible compensatory mitigation. In addition, we remain concerned about the use of multiple nationwide permits to construct such an expansive project. As noted in our October 28, 2011 letter, nationwide permits are intended for projects that cause no more than minimal individual and cumulative adverse environmental effects, as well as projects that have independent utility. The use of Nationwide Permit 12 may not be appropriate for the entire length or within certain sections of the Project.

Thank you for this opportunity to comment. If you have any questions regarding the EPA's comments, please contact me at (206)-553-1601 or littleton.christine@epa.gov or Erik Peterson at (206) 553-6382 or peterson.erik@epa.gov.

Sincerely,



Christine Littleton, Manager

Environmental Review and Sediment Management Unit

¹¹ FSEIS, p. 3.11-34

² 40 CFR Part 230 Subpart J